United Nations A/HRC/25/NGO/135

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Human Rights Council
Twenty-fifth session
Agenda item 4
Human rights situations that require the Council's attention

Joint written statement* submitted by International Educational Development, Inc., Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Treatment of ethnic nationalities in Myanmar*

International Educational Development, Inc. (IED) and the Association of Humanitarian Lawyers (AHL) have monitored the situation in Myanmar for 24 years.[1] We have submitted written statements and made oral ones at many sessions and have been twice invited by the United States Congress to present testimony at hearings. Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) has also monitored the situation in Myanmar for many years and joins this statement.

Last August, IED and AHL called attention to the escalating violence against Rohingya Muslims in Myanmar in a written statement (A/HRC/24/NGO/92) to this body. The intervening months demonstrated the alarming endurance of that disturbing ethnic persecution, with the displacement, beating, or slaughter of yet more innocents at the hands of predominantly Buddhist mobs. The death count still rising, the international community has shamefully taken little action to pressure the much-trumpeted "democratic" government of Myanmar into getting a grip on this out of control mob-rule. Indeed, the government of Myanmar has openly denied that the violence is even occurring.

According to a UN report, on January 9th, eight Rohingya men were killed in the Du Chee Yar Tan village. After a police sergeant was killed in the intervening days, on January 13th, a violent Buddhist mob vengefully slaughtered forty Rohingya men, women, and children.[2]

We thank the High Commissioner for Human Rights, Navi Pillay for her strong words on the massacre: "I deplore the loss of life in Du Chee Yar Tan and call on the authorities to carry out a full, prompt and impartial investigation and ensure that victims and their families receive justice… By responding to these incidents quickly and decisively, the Government has an opportunity to show transparency and accountability, which will strengthen democracy and the rule of law in Myanmar."[3]

Yet, those essential touchstones of "transparency and accountability" and "democracy and the rule of law" appear to be beyond the reach of this so-called 'reformist' government. In what has become typical of the government's response to the severe persecution brought to bear on their Muslim population, a spokesman for the government denied any knowledge of the series of events, and even went so far as to suggest that these claims were intended to distract from the killing of the police sergeant.[4] *The New York Times* reported that a government-backed newspaper *The New Light of Myanmar* likewise declared that the Associated Press "falsely reports violence occurred in the Rakhine State," going so far as to state that such reports "seemed to instigate" the worsening situation.[5]

We lament the deaths of all victims of this spiraling cycle of violence. Tragically, the government denials of the ethnic violence against the Rohingya will only encourage the wounds of this persecution to fester and worsen. The government has failed hundreds of murdered Rohingya since 2012, and can now add forty-nine others to the growing list of casualties to its inaction; the blood of the forty-eight Rohingya men, women, and children as well as the police sergeant are on the government's hands in their silent complicity with this mob violence. The whole of Myanmar is victim to the government's failure to curb this violence.

Indeed, the ethnic violence against the Rohingya is the strongest indication of the fragility of the democratic reforms seen over the last several years, and highlights – once again – the lack of progress the country has made with respect to national reconciliation between the ethnic nationalities and the majority Buddhist-Burmese who together form the

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[1] Association of Humanitarian Lawyers researcher T.J. O'Sullivan assisted in the preparation of this document. IED/HLP use the term "Myanmar" under protest, as we have always viewed government that renamed Burma was *ultra vires* and hence had no legal authority to do so.

[2] "Top UN officials call for probe into latest violence in Myanmar's Rakhine state." *UN News Centre*, January 23, 2014. http://www.un.org/apps/news/story.asp?

[3] *Idem.*"

[4] Mullany, Gerry, "Report on Unrest Is at Odds With Account of Myanmar." *The New York Times*, January 24, 2014. http://www.nytimes.com/2014/01/25/world/asia/un-says-muslims-were-massacred-in-tense-myanmar-region.html (accessed February 11, 2014).

[5] Mullany, Gerry, *Idem.*

Union of Myanmar. As *The New York Times* describes, "Anti-Muslim feelings run deep in Myanmar, partly because the Rohingya, who number around one million and are the largest Muslim group in the country, are considered illegal immigrants. That sentiment, among the Buddhist-Burmese majority, is a legacy of colonial times, when large numbers of Indians were brought into Burma by the British. The Myanmar government refuses to use the term Rohingya, preferring to call the group Bengalis."

Neither the Rohingya nor the other ethnic nationalities of Myanmar have substantive form of representation or advocacy within the largely Buddhist-Burmese government – even the Parliament is dominated by former members of the military. The violence and conflict that has stretched well past the "democratic transition" of 2011 certainly speak to this fact. The UN Special Rapporteur, Tomas Ojea Quintana, is the only significant voice speaking on behalf of ethnic nationalities, but increasingly his cries for reform have been met by deaf ears due to the lack of international action to give his mandate teeth. We hope his mission on 14-20 February proves fruitful and look forwards to his report on it.

Much of the international community has all too willingly accepted or turned a blind eye to the deceit inherent in the government's refusal to recognize and respond to the violence against the Rohingya. The rush to capitalize on the development of a new economic partnership has meant that American and European commitment to human rights has taken on a secondary role – the lush investment opportunities have encouraged the United States and other countries to withdraw the pressure to reform too quickly.

The US authorities have gone so far as to cultivate military cooperation between the two countries, inviting observers from Myanmar to view US war games testing out jungle warfare tactics.[6] Military cooperation with a country that has so frequently and recently used military force on its own people undermines the mission of the United Nations and certainly belies many of the ideals upon which the US was founded. A letter from 133 groups representing ethnic nationalities put it well: "Allowing military engagement with the Burmese military without requiring the Burmese military to demonstrate an interest in reform and to adhere with our preconditions conveys an undeserved legitimacy on the Burmese military and will jeopardize our efforts to persuade the Burmese military to agree to national reconciliation."[7] We are gratified by legislation put forward by members of the US Congress to limit military engagement until vital human rights improvements are seen, and calls on the Obama Administration to reconsider its warming relationship with a government that has failed to improve the human rights situation in its own country so spectacularly over the last several years.

Recommendations:

1. **The Council should extend the mandate of Special Rapporteur Tomas Ojea Quintana.**
2. **The Council should encourage the Special Rapporteur for Truth, Justice, Reparation, and Guarantee of Non-Recurrence, Pablo de Greiff, to visit Myanmar to forward its national reconciliation.**
3. **The Council should call upon the government of Myanmar to take action to protect its Muslim populations.**
4. **All governments should recommit themselves to pressure the government of Myanmar to resolve its conflicts with ethnic nationalities peaceably and with deference to each group's sovereignty and limit any military cooperation until the human rights condition of that country has improved.**

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*Association of Humanitarian Lawyers (AHL) NGO(s) without consultative status, also share the views expressed in this statement.

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[6] Hirsch, Steve, "Critics accuse Obama of being too quick to court Myanmar's brutal generals." *Global Post*, February 5, 2014. http://www.globalpost.com/dispatch/news/regions/americas/united-states/140123/US-Myanmar-military-ties-human-rights-abuses (accessed February 11, 2014).

[7] Hirsch, Steve, *Idem.*

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Addressing genocide and mass atrocities of the Tamil people in Sri Lanka*

International Educational Development, Inc., Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), and Association of Humanitarian Lawyers followed with great interest the Peoples' Tribunal on Sri Lanka, held in Bremen from 7 – December 2013. With the attendance of Gianni Tognoni, Secretary-General of the Permanent People's Tribunal (Rome) and co-chaired by Daniel Feierstein (Buenos Aires), President of the International Association of Genocide Scholars and Denis Halliday (Ireland), former Assistant Secretary-General of the United Nations, the Tribunal found that

"genocide against the Eelam Tamil group is a continuing process, one that has not yet accomplished the total destruction of their identity. The genocidal coordinated plan of actions reached a climax on May 2009, but it is clear that the Sri Lanka Government project to erase the Eelam Tamil identity, corroborated by the [evidence submitted], shows that the genocide process is ongoing. The genocidal strategy has changed, the killings are being transformed into other forms of conduct, but the intention to destroy the group and its identity remains and continues, through causing serious bodily or mental harm to members of the Eelam Tamil group."

The Tribunal looked closely at Article 2(c) of the Genocide Convention, and applying principles derived from the findings of the International Tribunal for Rwanda, found that the authorities deliberately inflicted and continue to inflict conditions of life of the Tamil people calculated to destroy it in whole or in part by depriving them of food, water, medicines, and housing during the war and since the hostilities ended. The Tribunal focused on post-war seizures of homes, giving traditional Tamil agricultural land to the military or Sinhala settlers, limiting the rights of Tamil fishermen, and the unacceptably high rate of malnutrition in the Tamil areas.

The Tribunal also heard evidence of the failure of the government's Lessons Learnt and Reconciliation Commission to address genocide and mass atrocities -- even if every single recommendation were to be implemented there would still be grossly inadequate remedies for the serious violations of humanitarian law and the achievement of national reconciliation will move only a baby step forward. However, the authorities are not implementing the LLRC recommendations: rather than moving toward reconciliation, testimony indicated that the Sri Lankan authorities continue to fuel animosity towards the Tamil people as part of the on-going genocide. For example, the authorities encourage "anti-Tamil" tourism to the Tamil areas, turning former LTTE facilities into tourist attractions. Hindu temples are destroyed and replaced with Buddhist ones. Tamil graveyards are being destroyed. Tamil historic sites and towns are being renamed with Sinhala ones. The authorities even continue to take their anti-Tamil campaigning around the world, attacking Tamil groups and other groups perceived as sympathetic to the Tamil people. Members of Sri Lanka's diplomatic corps try to interfere with other countries on their treatment of Tamils and Tamil refugees.[1]

Our organizations have been seriously concerned that the international community as a whole and certain United Nations mandate holders in particular failed adequately to respond to the unfolding genocide and mass atrocities carried out against of Tamils in Sri Lanka, especially towards the end of the 26-year-long armed conflict. We sent over 6 urgent actions to the then Special Advisor to the Secretary-General on the prevention of genocide and mass atrocities to no avail. We submitted numerous written statements to the Council and made numerous oral statements on the on-going genocidal atrocities for many years. We also circulated the urgent concerns and other "red alerts" issued by prominent groups, such as the Elders, again to no avail. Nearly 5 years after the end of the war, and in spite of the work of the Secretary-General's Panel of Experts and his internal review panel chaired by Mr. Petrie, there is no accountability, reconciliation effort or even a modicum of justice for the Tamil people. We are gravely concerned not only by the continuing gross violations of human rights committed by the government authorities in Sri Lanka against the Tamil people and their identity as evinced in report of the Peoples' Tribunal, but also by the brazenness with which they are

[1] Some of these members of Sri Lanka's diplomatic corps are themselves persons who perpetrated or planned the gross violations of humanitarian law, and who hide behind the cloak of diplomatic immunity. We maintain that one reason the Rajapaksa group fights so hard to stay in power is so that none will lose diplomatic immunity. However, we do not think diplomatic immunity applies for persons alleged to have committed genocide and mass atrocities. States that have these persons as ambassadors, high commissioners or consular officials should consider national tribunals to try them as provided for in the Geneva Conventions, or at least withdraw their credentials as *personae non gratae*. .

committed – the authorities behave as if that they can carry out these acts and no entity can stop them. Even worse, the authorities continue publicly to pillory any mandate holder or entity that raises concerns, bringing a new low to UN forums and international comity.[2]

The failure of the international community also seriously damaged the basic tenets of humanitarian law as a whole and in particular the Geneva and Hague Conventions, the right to self-determination, the right to resist oppression and tyranny, the right to be free of genocide and mass atrocities, and other fundamental principles of international law. Restoring universal acceptance of and respect for these principles will take concerted action by all, and especially by those who converted what was clearly an armed conflict into "terrorism and counter-terrorism."[3]

The Council's efforts to address this, through it resolutions 19/2 and 22/1 have been shown to be steps too small to remedy this impunity and have even resulted in an unintended harsh divide between States that shield Sri Lanka from efforts toward accountability and those that insist on accountability. Further, those governments that give unflinching support for the government of Sri Lanka are standing in the way of reconciliation and justice for the Tamil people.

The Council has requested input from its mandate holders, and we consider that nearly every mandate is relevant to the situation in Sri Lanka. We especially note the relevance of the mandate on truth, justice, and reparation and guarantee of non-recurrence, and have submitted a written statement, A/HRC/24/NGO/25, on this point. The mandates on torture, summary execution, violence against women, freedom of expression, freedom of association, freedom of religion, housing, cultural rights, the right to food, the independence of judges and lawyers, internally displaced persons and human rights defenders are also highly relevant and we encourage the mandate holders on these topics to continue to contribute.

It is obvious that continuing the same approach for another year will not further the Council's goal of promoting reconciliation and accountability in Sri Lanka and the Council must now take stronger steps. We maintain that it is no longer tenable for the resolutions to praise the Sri Lankan authorities for steps take when these steps are either far too small or actually are steps backwards. Further some of the activities, such as land mine removal, are undertaken and funded by outside sources. We also think that the Council should express its remorse for failing to undertake actions earlier that could have prevented the catastrophe that has befallen the Tamil people and the damage done to fundamental tenets of international law.[4]

The call of the High Commissioner for an independent and credible investigation is a sound one and should be heeded immediately, especially as the authorities are allowing luxury resorts to be built in the area of the final assaults and evidence will be permanently buried under hotels. We think the process should start with a Commission of Inquiry of the Council. The Council and the international community as a whole must also find ways to prevent any alteration of the Tamil areas or any destruction of evidence until the Commission has completed its work. Those States that voted against resolution 22/1 or abstained must begin to re-evaluate this and look at what they "gain" from denying justice for the Tamil people. Finally, if the Council fails to take responsible and meaningful action, we encourage the High Commissioner to appoint her own team of investigators.

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[2] We also note that the relations between non-governmental organizations and the Sri Lankan authorities have been seriously poisoned, with NGO delegates, including our own, physically and verbally threatened.

[3] In this regard, we welcome the quick response to the situation in the Central African Republic to prevent genocide and mass atrocities, and can only assume that the post-Tamil genocide soul-searching by all played a major role in this.

[4] The Council should recall the words of Edward Mortimer, Chair of the Sri Lanka Campaign for Peace and Justice: "Sri Lanka must not become another hollow 'never again' but the starting point for a real change in the world's response to genocide and mass atrocities."

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Written statement* submitted by Amuta for NGO Responsibility, a non-governmental organization in special consultative status

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Please recycle

Amuta for NGO Responsibility Statement on Women's Rights in the Middle East and North Africa Region

The Amutah for NGO Responsibility calls on the Human Rights Council and international NGOs to make the advancement of women's rights in the Middle East and North Africa (MENA) region, particularly in Iran and the countries of the Arab League, a key priority for 2014. The focus on this campaign should center on the repeal of discriminatory and destructive personal status laws and the elimination of polygamy, child marriage and genital mutilation.

The 2011 "Arab Spring" sparked optimism that there would be profound democratic change in the Middle East, a region dominated by autocratic and oppressive government. The lack of rights and fundamental freedom for women was the most egregious manifestation of these abusive governments. It was hoped that the ousting of dictators in Tunisia, Egypt, Yemen, and Libya in 2011, and the mass demonstrations elsewhere, would bring about fundamental reforms, especially for women. Unfortunately, these changes did not materialize. The Council of Europe notes, "There have been no major improvements in women's lives."[1] Other experts have commented that women have experienced exclusion from the new governments and have seen their position move "from marginalization during repressive regimes to rejection with Islamist regimes."[2]

Women's rights are essential for society as a whole. The World Bank emphasizes that women's equality is a core development objective in its own right. Researcher Steven Fish has found that countries that "marginalize women," in contrast, have "fewer anti-authoritarian voices in politics and more men who join fanatical religious and political brotherhoods – two factors that stifle democracy."[3]

Nevertheless, women in the Middle East, aside from Israel, enjoy few rights. According to the UN Arab Human Development Reports, "nowhere in the Arab world do women enjoy equality with men," and they "remain severely marginalized in Arab political systems." In the 2012 World Economic Forum's Global Gender Gap Index, MENA ranked the lowest of all regions worldwide, and included six of the ten lowest ranked countries. The highest ranking MENA country (apart from Israel, which ranked 56), is the United Arab Emirates, ranking 107 out of 136. Personal status laws discriminate against women in matters of marriage, divorce, child custody, and inheritance. Some countries have oppressive guardianship systems, which severely restrict women's freedom of movement, expression, and ability to work. Repressive cultural practices such as child marriage, female genital mutilation, polygamy, and "honor" crimes are endemic. Coupled with unsatisfactory educational opportunities and extremely high rates of illiteracy, the laws and tribal customs create an environment where there is both entrenched *de jure* and *de facto* discrimination.

In many countries in the MENA region, discrimination based on gender is not prohibited. But even in those countries where gender discrimination is ostensibly prohibited by law, pervasive legal and social inequality persists. This is due in large part to the incorporation of Sharia law into personal status laws and family codes. Women are viewed as minors and under the guardianship of their husbands and fathers. Violence perpetrated by family members is overlooked and rarely prosecuted. Laws generally discriminate against women in all matters relating to nationality, marriage, divorce, and child custody. Women's presence and roles in public life and spaces are often strictly controlled.

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[1] For a complete list of sources mentioned in this submission, see, Anne Herzberg, "Second Class Rights: How Amnesty International and Human Rights Watch Fail Women in the Middle East," NGO Monitor Monograph Series (Steinberg, ed. 2013), http://www.ngo-monitor.org/article/second_class_rights_how_amnesty_international_human_rights_watch_fail_women_in_the_middle_east#executive.

[2] Rola Dashti *in Reflections on Women in the Arab Spring*, Woodrow Wilson International Center for Scholars (Heideman & Youssef, eds., 2012).

[3] Isobel Coleman, "The Payoff from Women's Rights," *Foreign Affairs 83 (2004)*

Domestic Violence

In all MENA countries, domestic violence is a serious problem. Most countries, including Bahrain, Egypt, Iran, Palestinian Authority, Jordan, Lebanon, Saudi Arabia, and Syria, do not explicitly prohibit it. [4] In Algeria, in order to file charges, a victim of abuse must be incapacitated for at least fifteen days and present a doctor's note. In Iraq, a husband may legally punish his wife "within certain limits prescribed by law or custom." Under the UAE's penal code, men are allowed to use violence against female and minor family members. Even in countries where some legal remedies are available for domestic violence victims, the law is mostly unenforced.

Throughout the region, with the exception of Israel and Tunisia, spousal rape is not criminalized. While the penal codes criminalize rape in Algeria, Bahrain, Iraq, Libya, the Palestinian Authority, Qatar, and the UAE, they do not specify whether spousal rape is prohibited under the law. In other countries, such as Egypt, Iran, Jordan, Kuwait, Lebanon, Morocco, Oman, Saudi Arabia, Syria, and Yemen, spousal rape is not a crime. In Iraq, Lebanon and Syria, charges of rape are dropped and the conviction nullified if the rapist marries his victim. In Saudi Arabia, rape victims themselves can be criminally prosecuted.

Honor killings are pervasive in many MENA countries including Egypt, Iraq, Jordan, Lebanon, Kuwait, Iran, and the Palestinian Authority. These include gruesome crimes such as beheadings, burning alive, forced self-immolation, and torture, primarily committed against girls and women who are accused of behaving "immorally." Penal law regarding these crimes weigh heavily in favor of the perpetrators and impose light criminal punishment.

Personal Status Laws & Family Codes

Sharia law is fully in place in Iran, Iraq, Mauritania, Qatar, Saudi Arabia, Sudan, the UAE, and Yemen. In other MENA countries, while Sharia law does not govern the entire legal system, it is applied in many areas of the law that regulate women's lives, particularly family codes and personal status laws. These laws are explicitly discriminatory against women. Routinely, women do not enjoy the same rights and protections as men in matters of marriage, divorce, child custody, and inheritance.

For example, in Iran and Saudi Arabia, women may only marry with the permission of their father or another male relative. In Bahrain, Lebanon, Qatar, and Saudi Arabia, women are unable to transmit nationality to their children or spouse. Children in Jordan, Kuwait, Saudi Arabia, and Syria may only obtain citizenship via their fathers. Women are forbidden from marrying non-Muslims and face conviction on apostasy laws (punishable by death in some countries), including in Egypt, Kuwait, and Saudi Arabia. Polygamy is legal in Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Libya, Mauritania, Morocco, Oman, Palestinian Authority, Qatar, Saudi Arabia, Somalia, Sudan, Syria, the UAE, and Yemen, despite its documented detrimental impact on women and children.

Sex Segregation & Guardianship

Sex segregation and other intense control over women's lives are pervasive in Iran and the Gulf States, as well as in Hamas-controlled Gaza. As one Iranian human rights activist noted, "the law that is being enforced in Iran today does not consider women to be full human beings."[5] Saudi Arabia's system of sex segregation governs both public and private institutions. Qatar and Saudi Arabia have a draconian "guardianship" systems imposed on women, which restricts the rights of women in relation to marriage, employment, and travel.

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[4] On September 2, 2013, the Saudi parliament passed a law imposing minor criminal and financial penalties for domestic abuse. Whether the law in fact will be incorporated and implemented remains to be seen. It is also unclear if the new law will apply to spousal rape. Moreover, the penalties imposed by the law are difficult to enforce given Saudi Arabia's guardianship system for women.

[5] Shirin Ebadi, "A Warning for Women of the Arab Spring", *Wall Street Journal* (2012) *available at* http://online.wsj.com/article/SB100 01424052970203370604577265840773370720.html

The situation for women in Saudi Arabia is so dismal that many commentators and scholars have labeled the situation to be one of "gender apartheid" and have advocated for expanding the crime of apartheid to include these systems of complete gender segregation. As noted by Ann Elizabeth Mayer, "many of the same patterns of oppression and domination that were recognized as underlying South African apartheid can be found...in some Middle Eastern countries where women are completely excluded from roles in the political establishment."[6]

Reservations to International Human Rights Treaties

While many Arab and Muslim states have signed and ratified human rights treaties, most of these countries have declared reservations restricting implementation such that the provisions will not conflict with Sharia law. Other MENA countries express willingness to abide by the treaty to the extent it does not conflict with domestic family codes, most of which are governed by Sharia, and as described above, discriminate against women. These reservations essentially nullify the core purpose of these treaties as they relate to women's rights and equality and raise doubt as to the State commitment to protecting human rights.

In conclusion, to date, the Council and international NGOs have not done nearly enough to protect the rights of women in Iran and the countries of the Arab League. They must act immediately to end this systematic discrimination in violation of all human rights norms and which amounts to crimes against humanity.

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[6] Elizabeth Mayer, "A Benign Apartheid: How Gender Apartheid Has Been Rationalized". *UCLA Journal of International Law and Foreign Affairs 237* (2000).

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Human rights situation in Palestine and other occupied Arab territories

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Please recycle

Amuta for NGO Responsibility Statement on European Human Rights Funding for Arab-Israeli Peace

The European Union, its member states, Norway, and Switzerland provide funding to hundreds of NGOs through frameworks focusing on human rights and related principles, as a central dimension of "soft power" (or "normative power") projection. In many cases, the reports and lobbying efforts of these NGOs are central to the process of policy formation within these governments, forming a closed circle in which particular analyses and perceptions are reinforced, while competing views are excluded.

This NGO funding and policy cycle is particularly significant in the case of the Arab-Israeli conflict, in which tens of political advocacy NGOs are allocated European government budgets (both directly though state ministries and indirectly via general large state grants to church-based humanitarian aid groups). However, there is no systematic evaluation of the impacts of these policies, and no evidence that they have contributed to improved human rights records or a peaceful resolution of the conflict. Instead, in many instances, the close relationships between the European governments and the political advocacy NGOs claiming to promote human rights agendas are associated with partisan agendas that are counter-productive to both human rights and efforts to promote peace in the region.

One of the EU's major financial assistance programs is the European Instrument for Democracy and Human Rights (EIDHR). With an approximate annual budget of €160 million, program objectives are to provide "support for the promotion of democracy and human rights in non-EU countries." EIDHR funding in 2007-2010 (most recent available comprehensive data) reveals that the EU allocated highly disproportionate funding for NGO projects in Israel and the Palestinian Authority. For this period, NGOs received over €11 million –more than any other target country. Neither EIDHR nor the EU has presented any justification for this large budget. Forty-four individual projects in Israel and the Palestinian Authority were funded in this framework, which ranks fifth highest in terms of the number of projects, and received a majority (57%) of EIDHR funding directed at the Middle East. In contrast, Syria, Iraq, Iran, Oman, Saudi Arabia and the UAE **received no funding** for EIDHR projects directed at specific countries.
The decision making and evaluation processes by which EIDHR provides this large-scale funding for political advocacy NGOs is entirely hidden from public view, in violation of basic transparency requirements for democratic governance. The lack of recent data and evaluations regarding a central EU funding mechanism is inconsistent with the requirements for good governance and democratic oversight.
Analysis of the EIDHR projects demonstrates a fundamental distortion in the EU's perception of Israel, which is almost exclusively restricted to relations with Palestinians and with the Israeli-Arab minority. Important issues related to democracy and human rights in the complex and unique Israeli context are entirely missing from this agenda. Many projects involved organizations with a strong bias against Israel, as demonstrated by their political activities and agendas. Their campaigns are part of a wider political strategy that exploits human rights language and specifically seeks "the complete international isolation of Israel … which means the imposition of mandatory and comprehensive sanctions and embargoes, the full cessation of all links (diplomatic, economic, social, aid, military cooperation and training) between all states and Israel," as stated in the Final Declaration of the discredited NGO Forum of the 2001 Durban conference. A significant number of these NGOs actively promote BDS (boycott, divestment, and sanctions) and campaign against a two-state solution to the Arab-Israeli conflict in direct opposition to European policy in the region.

Furthermore, the basic rights of Israelis, including the basic right to life without the threat of terrorism, are systematically ignored and omitted in this framework.

Examples:

- In 2011, EIDHR provided an Israeli NGO, the "Coalition of Women for Peace," €247,668 under a project titled: "Empowering Women, Building Peace." Yet, CWP is a leader in the campaigns to demonize Israel, including boycott, divestment, and sanctions (BDS) via the "Who Profits" project that it initiated, and sponsoring "Nakba Day" activities. CWP officials have participated in events in which they carried flags of the PFLP terrorist organization. EC policy opposes BDS and other forms of demonization as counter-productive to peace efforts. The decision to provide funding to an NGO that directly contradicts this policy is therefore inexplicable.

- In 2010, the Israeli Committee Against House Demolitions (ICAHD) was awarded an EIDHR grant of €169,661. ICAHD presents a one-sided perspective on the conflict, including entirely unsubstantiated accusations of "**ethnic cleansing**," "**genocide**," "collective punishment," and "apartheid." This rhetoric reflects a bias that is entirely inconsistent with the goals stated by EIDHR and the EU. ICAHD head Jeff Halper claims that a bi-national state is the only remaining option resulting from Israel's "futile attempt to impose an apartheid regime" and calls for a dismantling of the Palestinian Authority.
- In 2009, Adalah (and two other unnamed NGOs) received €627,526 for "combating and preventing torture and ill-treatment of Palestinian prisoners held in Israeli prisons and Palestinian civilians in the Occupied Palestinian Territory." Adalah, repeatedly attempts to portray Israel as anti-democratic and racist, including frequent events in the UN and EU frameworks. In the wake of the Goldstone Report, Adalah also urged governments to "re-evaluate their relationship with Israel." In collaboration with Al Haq, Adalah also published, "re-assessment of Israel's practices in the occupied Palestinian territories under international law," accusing Israel of international crimes and calling for an International Court of Justice advisory opinion declaring Israel to be a "racist, apartheid colonial state.".

In parallel to the EU frameworks, there are many examples of individual country funding in Western Europe for NGOs that promote anti-Israel and anti-peace agendas under the banner of human rights. The Netherlands is a prominent example, and there are at least 17 NGOs receiving Dutch support that actively partake in these campaigns, including Addameer, Defense for Children International – Palestine Section, and Miftah – all of which endorsed the 2005 Palestinian Call for anti-Israel boycotts. These organizations receive Dutch support through numerous frameworks. The most direct is through the NGO Development Center (NDC) in Ramallah, which manages funds on behalf of the Netherlands, Switzerland, Sweden and Denmark. NDC grant recipients include Al Haq and Palestinian Center for Human Rights (PCHR), which are very active in BDS activities, anti-Israel UN initiatives, and in attempts to exploit European and international courts, including the ICC, to initiate "war crimes" indictments against Israeli officials. All of these organizations reject a negotiated two-state (Jewish and Palestinian) solution to the Arab-Israeli conflict.

In addition, the Netherlands provides indirect support for this agenda by outsourcing cooperation (and policy-making) to Dutch aid organizations. Prominent Dutch groups such as ICCO, the Inter-church Organization for Development and Cooperation, IKV Pax Christi, and Oxfam Novib, which receive large-scale funding, are considered to be important partners for the Dutch government in the Middle East. Moreover, ICCO and IKV Pax Christi are church-based organizations, adding a dangerous theological component to their involvement in economic warfare against Israel.

ICCO is an illustrative example – in 2012, ICCO received €81 million, 84 percent of its total budget, from the Dutch government. This makes ICCO a major instrument for outsourcing of Dutch foreign policy, and highlights the contradictions inherent in the long history of support for BDS organizations. For example, ICCO provides funding for CWP (discussed above) and Electronic Intifada (EI), an online media platform dedicated to promoting an extreme anti-Israel agenda, including BDS and highly offensive antisemitic articles that compare Israelis to Nazis. ICCO has been criticized by the Dutch Foreign Ministry and Members of Parliament for its funding of EI, but officials in charge of spending this taxpayer-provided budget have refused to end support for EI and other radical anti-peace organizations.

These activities stand in direct contradiction to Dutch policy goals and principles. ICCO's leadership includes individuals such as Mitri Raheb, a Palestinian pastor who co-authored the Kairos-Palestine document. This document uses religious language to deny the Jewish historical connection to Israel and advocate for "a system of economic sanctions and boycott to be applied against Israel." For an inter-church organization claiming to promote cooperation and development, such incitement and related activities are entirely inexplicable.

These few examples are representative of dozens of cases. Our analysis points to the need for a wide-ranging public debate, including hearings in the European Parliament, to facilitate policies that will end the secrecy with which EIDHR and other frameworks allocate political NGO funding. There is also a need for transparent, independent, and professional evaluation of EU allocations to NGOs, and direct engagement with the Israeli government and Members of Knesset to establish agreed guidelines on the appropriate uses of taxpayer funds in this realm.

United Nations A/HRC/25/NGO/139

General Assembly

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Human Rights Council
Twenty-fifth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11712
1411712

Please recycle

ASIA: Criminal justice reforms imperative to human rights protection

1. Over the past decade, internationally and regionally, debates on the requirement of criminal justice institution reforms in Asia have died down. In forums like the United Nations itself, debates about justice institution reforms that are required in Asia has taken a backbench, to such an extent, that the Asian states face much less critical review internationally, about their highly under-functioning criminal justice institutions.

2. This is more evident from the absence of adequate international concern, when governments with authoritarian tendencies encroach upon the independence of vital domestic institutions, for instance the judiciary. The latest casualty is the complete and forceful subjugation of the judiciary in Sri Lanka to the executive writ of the President's office, and the worrying silence of the international community, despite calls for intervention from professional bodies in Sri Lanka, like its Bar Association. By the time international interventions trickled in, the irreversible damage was already done. Today Sri Lanka's judiciary has reduced itself of being a mere extension of the President's office.

3. The lack of independence of a vital state organ like the judiciary in Sri Lanka has further diminished the rule of law paradigm in that country. The judiciary was the only institution in Sri Lanka that was looked upon by the layperson that has fallen victim to state abuses, and by the professionals who were willing to assist a victim seeking justice. However, today, courts in Sri Lanka have reduced to mere bargain grounds like market places, where judges force compromises upon petitioners against their will and lawyers resisting forced settlements punished by the courts as well as by the government. The Supreme Court of Sri Lanka today is notorious, for dismissing summarily, habeas corpus writs and for throwing out of court other fundamental rights cases, reiterating, that the executive is the supreme authority in that country.

4. Yet another country that has dropped off from international attention within the south Asian region is Nepal. The intensity of international engagement on Nepal over the past four years have diminished to such extent, that today, the long wait of the people of Nepal to realise the true democratic changes that they have been promised does not find any resonance outside Nepal. Long periods of utter neglect during the monarchy has literally left Nepal in a state of deep internal wilt that the administration does not exist beyond the capital city and tourist destinations and satellite towns like Pokhara.

5. Police stations are understaffed and basic infrastructure including buildings absent in Nepal that the police as an institution is at the verge of non-functioning. Due to this, the people resort to assistance from local criminals enjoying political patronage to settle disputes. Parts of the country have stooped into a lawless abyss that in case of an emergency the administration could take days, if not weeks to intervene. Courts are understaffed, and often remain closed due to lack of adequate infrastructure to run. The Nepal police struggle to pay monthly salaries to its staff, even though the basic monthly pay of a police constable is less than USD 150. Such low pay is one of the reasons why the police remain one of the most corrupt institutions in Nepal.

6. Deep-rooted corruption, ineptitude as well as incapacity to discharge responsibilities has pushed justice institutions in Nepal to become mere namesake entities. As an economically poor state, finding hard even to maintain basic facilities to run day-to-day administration, and with a legislative assembly in perpetual suspended animation, understandably justice institution reforms is not even considered a possible priority by the Government of Nepal. However, the fact remains that without building adequate justice institution framework for the country to run its daily affairs, a state cannot progress and Nepal is no exception to this rule. It is unfortunate however, that the international community does not today consider Nepal as a priority state that requires immediate assistance.

7. Bangladesh and Pakistan are two other states in the south Asian region that has exceptionally poor performing criminal justice institutions. While Bangladesh shares the same fate as Sri Lanka due to executive control of its entire criminal justice apparatus, including its judiciary, it is the judiciary in Pakistan that has reasonably succeeded in carving out a reasonable independent space to function within the state structure in Pakistan. The entire criminal justice apparatus of Bangladesh is deeply corrupt and is under the control of the armed forces and the Prime Minister's office.

8. While the resurgence of democratic space in Pakistan today owes much to emerging judicial activism, uncontrolled and often going beyond the constitutional remit, Pakistan's judiciary has also started becoming a supra-constitutional authority in the country. Even though the judiciary is credited with ending dictatorship in Pakistan, today it has started superseding its constitutional remit and has repeatedly intervened in the parliamentary process against acceptable norms of non-interference in democratic decision making.

9. While the Pakistan judiciary enjoys relative immunity by comparison to the past from executive control, the lower rungs of the criminal justice apparatus remains thoroughly unfit to serve a democratic country and its day-to-day requirements. Even today police stations often operate under the control of the Army and custodial violence is the hallmark of Pakistan police. Women, children, the poor and the members of the minority communities are subjected to brute forms of custodial violence in Pakistan. Torture is practiced routinely and there are no functioning legal frameworks that are capable of preventing custodial violence in the country. In addition, the Army and its several investigative organs carryout structured and institutionalised violence against the people, that the entire country is unsafe for anyone who openly expresses critical views against state violence.

10. India on the other hand enjoys a unique position of having an exceptionally independent judiciary in the entire region and shares its position only with judiciaries in Hong Kong, Republic of Korea and Japan in the whole of Asia. However, the rest of the criminal justice administration in the country lacks capacity or willingness to follow the principles of the rule of law. Use of torture and deep-seated corruption are the defining characters of India's law enforcement apparatus that today people refer to their police as criminals in uniform. The Indian police are heavily understaffed like its judiciary and is incapable of undertaking any form of scientific criminal investigation. Criminal investigations often begin and end with a confession statement, reducing criminal trial into a farcical exercise.

11. In countries like Cambodia and Myanmar, absence of independent justice institutions is a foregone conclusion due to the violent and dictatorial past and present of both these countries. Concepts like presumption of innocence and fair trial do not exist even within the intellectual landscape of professionals and laypersons. Both in Cambodia and Myanmar, successful litigants are expected to reward the judge after adjudication and it is not considered bribe or undue influence. Judges, lawyers, prosecutors and law-enforcement officers are thoroughly underpaid that they are unofficially expected to make their living from bribes. The average monthly pay of a senior judge in Myanmar and Cambodia is a meagre USD 150-200. Lower ranking officers like police constables are paid much low that amounts to not more than USD 15-20 a month. This has led to keeping corruption a main stay within the criminal justice institutions in Cambodia and Myanmar.

12. In the Philippines, even though the country has a better structured and functioning justice institution framework by comparison to many other countries in Asia, deep-rooted corruption and inadequacy in implementing legislations have led to a situation where often criminal justice administration is considered to be extremely selective and nepotic in character. Torture and extrajudicial executions by both the state and non-state actors are rampant in the Philippines. Even though the country has an anti-torture legislation, its implementation is weak and often non-existent. So much so, even witnesses willing to depose before courts against state excesses are at risk from rouge state agents, along with human rights defenders who are willing to support them.

13. In Indonesia, the so-called police reform, which was marked by the institution's separation from the military in 1999, has only been partial and stagnant. It is happening at the regulatory level without helping people in their daily lives. The failure of the 'police-reform' is evidenced by a number of cases on execution, torture and fabrication of charges against individuals by the police, some of which had been documented and published by the Asian Legal Resource Centre (ALRC). For the criminal justice system in Indonesia to enhance the promotion and protection of human rights, the ALRC is of the view that police reform should cover the establishment of an independent and effective mechanism to investigate police abuses, detailed revision and clarification of the current non-transparent police recruitment and promotion mechanisms, as well as the modernisation of police education.

14. It is in the above described contexts that often complaints to thematic bodies within the UN, or reviews by the Human Rights Council under the UPR, receives standard suggestions from expert bodies at the UN, urging Asian states under review or cases in consideration, that the cases should be independently investigated, prosecuted and adjudicated promptly. The fact is none of this is possible in most Asian states, since the very nature of the institutions and their functional remit do not allow such independence or investigative processes or prompt adjudications. It is in this context,

that the UN should take extraordinary effort to study the actual functioning of the criminal justice institutions in Asian states, so that the engagement with the Asian states about their criminal justice apparatuses will be more realistic and meaningful.

15. It is time henceforth for the UN and its specialist bodies to stop merely recommending Asian states to 'investigate, prosecute and adjudicate' human rights cases, but to engage with these states with the purpose to understand the actual reasons for human rights abuses in Asia, and further to engage on these issues with a realistic understanding about the capacities of criminal justice institutions in these countries. For this, it is imperative that criminal justice institution reforms are made a central subject of discussion at the UN, without which no meaningful progress could ever be achieved to protect, promote and fulfil human rights guarantees in Asia.

United Nations A/HRC/25/NGO/140

General Assembly

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4 March 2014

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Human Rights Council
Twenty-fifth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the East and Horn of Africa Human Rights Defenders Project, non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11668
1411668

Please recycle

South Sudan: Civil Society Under Threat; Increased Human Rights Monitoring Needed*

The undersigned South Sudanese and African non-governmental organizations are deeply alarmed at the continuing violence in South Sudan, despite the signing of the Cessation of Hostilities agreement, and urge the Human Rights Council to support a thorough and impartial investigation into serious human rights violations being committed in the country, and the meaningful participation of civil society in peace negotiations.

Since the start of the crisis on 15th December 2013, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reports that an estimated 707,400 people are displaced within South Sudan, with a further 149,700 people having fled to nearby countries.[1] Although a precise death count is not available, the UN Mission in the Republic of South Sudan (UNMISS) has reported that thousands have been killed in the fighting.

Situation of civil society and human rights defenders

While many civil society organizations have been able to continue their important work in South Sudan, providing humanitarian assistance to those affected by the conflict, carrying out assessments and reporting on the situation, numerous human rights defenders have been forced to leave the country when their personal safety was severely threatened. Between late December 2013 and mid-February 2014, the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) evacuated fifteen human rights defenders at risk. This figure does not include family members who have also left the country, and is likely to represent only a small proportion of the total number, as many others have fled by other means.

It is not only individual human rights defenders, but entire organizations that have been affected. On 22nd January 2014, one of the country's most prominent and outspoken NGOs, the South Sudan Human Rights Society for Advocacy (SSHURSA) announced that it had closed all its offices and suspended operations under further notice. Staff members had been receiving death threats and many are now in exile due to security concerns.[2]

Prior to the current crisis, civil society was already facing enormous challenges in South Sudan. Research conducted by EHAHRDP between 2010 and 2013 showed that human rights defenders, and particularly journalists, were facing routine harassment, intimidation and attacks. Over the three years that the study was conducted, repercussions against human rights defenders, especially those seen to be working on politically sensitive issues, were observed to become more acute.[3] Efforts such as the establishment of the South Sudan Human Rights Defenders Network have been undertaken in cooperation with South Sudanese activists to seek to reclaim space for civil society to operate safely in the country, but concerted support is needed from State authorities and the international community.

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[1] United Nations Office for the Coordination of Humanitarian Affairs, South Sudan Crisis Situation report as of 13 February 2014, Report number 19, http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Sudan%20crisis_situation%20report%2019_as%20of%2013%20February.pdf

[2] South Sudan Human Rights Society for Advocacy, Press Release 'SSHURSA Closes Down Operations In South Sudan As Its Staff Members Go To Exile For Their Lives,' 22 January 2014, http://www.sshursa.org/images/pressreleases/140123_SSHURSA_closes_down_in_South_Sudan_and_suspends_operations.pdf

[3] East and Horn of Africa Human Rights Defenders Project, *"Change will not come until we talk about reality": The Closing Space for Human Rights Defenders in South Sudan*, December 2013, http://www.defenddefenders.org/2013/12/south-sudan-report-on-human-rights-defenders

Need for thorough and impartial investigation into human rights violations

A thorough and impartial investigation into serious human rights violations linked to the conflict is urgently needed. On 30th December 2013, the African Union Peace and Security Council decided to establish a Commission of Inquiry to investigate human rights violations and other abuses committed during the armed conflict in South Sudan, but at the time of writing it had not yet begun its work. Civil society groups have called on the AU PSC to ensure that the Commission of Inquiry can commence its work immediately, with strong terms of reference and members chosen for their independence, impartiality, integrity and competence.[4] The Office of the High Commissioner for Human Rights should work closely with the Commission of Inquiry, including in actions to ensure the safety of victims, witnesses and intermediaries, and the preservation of evidence, in cooperation with other relevant actors.

It is more important now than ever that UNMISS, working with OHCHR, fulfills its mandate to monitor, investigate, verify, and report regularly on human rights and potential threats against the civilian population as well as actual and potential violations of international humanitarian and human rights law. The human rights component should report regularly and publicly on the human rights situation in South Sudan in order to deter further violations and to allow for those responsible to be held accountable. An assessment of citizens' perspectives and concerns carried out in early February 2014 found that justice and accountability was a key concern among those interviewed, on which there should be 'no compromise'.[5]

Civil society representation in the mediation process

Full and meaningful representation of a broad range of civil society actors in the IGAD mediation process should be assured. Members of all groups of society, including women, must be given the opportunity to contribute to the mediation process and to have their perspectives heard. In September 2013, the Human Rights Council reminded states of the importance of respecting the rights of civil society and the important contributions of civil society in responding to humanitarian crises, including armed conflict, and promoting the rule of law and accountability.[6] Council members and observer states have an opportunity to reinforce this message at the panel discussion on the importance of the promotion and protection of civil society space to be held at the 25th session.

In conclusion, the sixteen organizations undersigned, call on member and observer states at the Human Rights Council to:

- Urge the Office of the High Commissioner for Human Rights to report regularly and publicly on the human rights situation in the country;
- Establish a longer term mechanism, such as a country specific special procedure mechanism, to document the situation of human rights in South Sudan, assess priorities and report back periodically to the Human Rights Council;
- Pay close attention to the human rights situation in South Sudan, including as it affects human rights defenders and civil society more broadly;
- Demand that all actors in the conflict ensure the protection of civilians, cease any violations of international human rights and humanitarian law and put in place measures to prevent further violations;
- Encourage close cooperation between the Office of the High Commissioner for Human Rights and the AU Commission of Inquiry;
- Call on IGAD to allow the meaningful participation of a broad range of civil society in the mediation process.

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[4] Civil Society Statement on the Establishment of a Commission of Inquiry into Atrocities Committed During the Conflict in South Sudan, 25 January 2014, http://www.sudantribune.com/spip.php?article49753

[5] Community Empowerment for Progress Organisation (CEPO), *Citizens' Perspectives on South Sudan Negotiation in Addis Ababa*, February 2014, p. 10

[6] UN Human Rights Council Resolution 24/21, Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment, September 2013, A/HRC/RES/24/21

This statement is submitted on behalf of the following South Sudanese and African non-governmental organizations: Africa Mission Action; Central Equatoria State Women's Union; Community Empowerment for Progress Organization; East and Horn of Africa Human Rights Defenders Project; EVE for Women Organization; Institute for Promotion of Civil Society; Organization for Non-Violence and Development; Raise Women Hopes; Standard Action Liaison Focus; South Sudan Action Network on Small Arms; South Sudan Democratic Engagement and Monitoring Observation Program; South Sudan Human Rights Defenders Network; South Sudan Older Persons Organization; South Sudan Women Advocates; South Sudan Youth, Peace and Development Organization; Voice for Change.

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*Africa Mission Action; Central Equatoria State Women's Union; Community Empowerment for Progress Organization; EVE for Women Organization; Institute for Promotion of Civil Society; Organization for Non-Violence and Development; Raise Women Hopes; Standard Action Liaison Focus; South Sudan Action Network on Small Arms; South Sudan Democratic Engagement and Monitoring Observation Program; South Sudan Human Rights Defenders Network; South Sudan Older Persons Organization; South Sudan Women Advocates; South Sudan Youth, Peace and Development Organization; Voice for Change. NGO(s) without consultative status, also share the views expressed in this statement.

United Nations A/HRC/25/NGO/141

General Assembly

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Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Liberation, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11887
1411887

Please recycle

Sri Lanka: The need for an independent, international war crimes inquiry

At this, the 25th Session of the UN Human Rights Council (UNHRC), Liberation urges all member countries to support the initiation of an independent, international war crimes inquiry in Sri Lanka.

Since the end of the country's armed conflict in 2009, the evidence of the perpetration of war crimes and crimes against humanity committed by both sides has continued to mount. Authoritative reports by the 'UN Secretary-General's Panel of Experts on Sri Lanka', the 'Internal Review into UN Actions in Sri Lanka', International Crisis Group and many others make a compelling case for action. "The conduct of the war represented a grave assault on the entire regime of international law." Information on casualty figures was suppressed by the UN, as was the Government's responsibility for many of the lives lost. Over 40,000 civilians died in the final months alone and the Catholic Diocese of Mannar's submission to Sri Lanka's 'Lessons Learnt and Reconciliation Commission' (LLRC) stated that 146,679 people remain unaccounted for.

Added to this, in February 2014, the Public Interest Advocacy Centre's (PIAC's) International Crimes Evidence Project (ICEP) produced a new report on war crimes in Sri Lanka. It provided further information and eye witness accounts, which add credence to the need for an independent, international war crimes inquiry. Drawing on the experience and expertise of a committee of experts, including John Ralston, former Chief of Investigations at the UN's International Criminal Tribunal for the Former Yugoslavia, the findings "presents an evidentiary platform for an international investigation into war crimes and crimes against humanity." The Sri Lankan military "perpetrated the vast majority of alleged crimes" in the final months of the war. Allegations against Government forces include that "human remains from mass burial sites in the conflict zone were exhumed and were covertly destroyed." Senior Sri Lankan government officials and military personnel may be culpable for systematic violations of international law.

The award winning series of films from Channel 4 and the 'No Fire Zone' documentary team have exposed further damning evidence of war crimes. After analysing footage of the killing of prisoners, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, stated that what was shown revealed "crimes of the highest order – definitive war crimes."

As the UN Secretary-General's Panel of Experts said, "accountability for serious violations of international humanitarian and human rights law is not a matter of choice or policy; it is a duty under domestic and international law". Only days after the end of the conflict, President Rajapaksa, in a joint statement with the UN Secretary-General, Ban Ki-Moon, gave a commitment that his Government would move rapidly to address many of the concerns regarding accountability for wartime abuses. This promise has been broken.

When the Panel of Experts produced their report in 2011, they found that their determination of credible allegations revealed "a very different version of the final stages of the war than that maintained [...] by the Government of Sri Lanka." The domestic LLRC process was only initiated following increasing international pressure on the Rajapaksa government and was heavily criticised for its failure to address adequately the alleged violations of the laws of war and for its whitewashing of Government action during the conflict. The independence, impartiality and mandate of the LLRC was "deeply flawed", according to the Panel of Experts, and, as they stated three years ago, "does not and cannot satisfy the joint commitment of the President of Sri Lanka and the Secretary-General to an accountability process."

Nothing that has been done since that time has come close to fulfilling this pledge. The National Action Plan (NAP) to implement the recommendations of the LLRC stated that military, rather than independent, courts of inquiry would look into the handful of cases of alleged army and navy abuses deemed worthy of consideration by the Commission. Military courts cannot provide the impartial investigations necessary, given that the country has a long history of investigations and commissions of inquiry into human rights abuses that have gone nowhere. In any case, as of September 2013, the UN High Commissioner for Human Rights, Ms Navi Pillay, had "received little new information about the Courts of Inquiry appointed by the army and navy to further investigate the allegations of civilian casualties and summary executions raised in the LLRC report and Channel Four documentaries."

Subsequent to the NAP, in January 2013, the Sri Lankan army released a report regarding the implementation of the LLRC recommendations. Their observations reinforced the fact that a credible accountability process will not be forthcoming from within Sri Lanka. The army maintained that there was no deliberate shelling of civilians, and called for the formulation of Sri Lanka's own rules to deal with internal conflict situations, despite its international humanitarian and human rights law obligations.

In light of the above, it is only correct that the international community, including the UNHRC, has raised serious concerns with the accountability and reconciliation processes in Sri Lanka. The two recent resolutions of 2012 and 2013 are testament to this. Also Ms Navi Pillay and her good offices have produced a number of reports and statements that underline the Government of Sri Lanka's unwillingness to engage constructively on these most serious issues.

In March 2013 it was found that "steps taken by the Government to investigate allegations of serious violations of human rights further have been inconclusive, and lack the independence and impartiality required to inspire confidence." As a result, the UN Human Rights Chief reaffirmed her longstanding call for "an independent and credible international investigation into alleged violations of international human rights and humanitarian law." Last September, in an oral update to the UNHRC, Ms Pillay "detected no new or comprehensive effort to independently or credibly investigate the allegations which have been of concern to the Human Rights Council."

Reconciliation and sustainable peace in Sri Lanka is what all members of the Council want to see. However, this can only be built on the foundations of a credible truth and accountability process for the alleged crimes committed. The discovery of a mass grave in Mannar, Northern Sri Lanka, in December 2013, which has already revealed over 50 bodies, emphasises that there are serious questions that need to be answered. This unearthing of a burial site hints at the other atrocities that might be hidden from view on the island, particularly those in the 'No Fire Zones' at the end of the war.

It is also important to state that a genuine mechanism for truth and accountability would challenge the prevailing culture of impunity in the country and could play an important role in reducing the on-going perpetration of human rights abuses. This is imperative given that Sri Lanka, according to Navi Pillay, is heading in an "increasingly authoritarian direction." The "curtailment or denial of personal freedoms and human rights, [..] persistent impunity and the failure of rule of law" has the potential to "sow the seeds of future discord."

In the wake of the release of the UN's damning internal review into its actions in Sri Lanka, the UN Secretary-General, stated that the United Nations had to draw "the appropriate lessons" from Sri Lanka and do "its utmost to earn the confidence of the world's people, especially those caught in conflict who look to the organisation for help." The UNHRC, with its explicit mandate to promote and protect human rights, should be at the forefront of safeguarding universal rights as well as the precepts of international humanitarian and human rights law. In addition, it should seek to support the recommendations of the UN's Panel of Experts and the High Commissioner for Human Rights that an independent, international inquiry is required. The UNHRC has an important opportunity to reinforce the authority of the Council and can send a powerful message to other countries that Governments accused of complicity in war crimes and crimes against humanity would not be able to avoid international reproach for their actions.

Members of the UNHRC must be prepared to implement bold and decisive measures now to guarantee justice for the victims of the conflict, to advance the accountability and reconciliation processes and to help right the wrongs of the UN's inaction during the final stages of the war. Given the manner in which President Rajapaksa's government has operated, his Government should be given no further allowances to undermine the pursuit of the truth. Any last minute attempts to deceive the international community by disingenuously initiating a 'Truth and Reconciliation Commission', as has been reported in the media, should be dismissed as pretence.

At times it has seemed that the hopes for truth, justice, accountability and reconciliation in Sri Lanka might be unattainable. However, as Nelson Mandela said, "it always seems impossible until it is done." With the establishment of an independent, international commission of inquiry in Sri Lanka, UNHRC members have the opportunity to help turn these dreams into reality.

United Nations A/HRC/25/NGO/142

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4 March 2014

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Human Rights Council
Twenty-fifth session
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by Liberation, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11670
1411670

Please recycle

Human rights abuses against the minorities Mauritania

Article 4 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on the 10th of December 1948 states "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms". It has been over sixty years since the Universal Declaration of Human Rights was adopted and affirmed by the Member States of the United Nations.The realisation that slavery is still alive and well in any part of the world is a tragedy. It is almost inconceivable that after many decades since the wave of abolitions in the late 19th and early 20th century, chattel slavery is still practiced openly in Mauritania.

Mauritania consists of three main ethnic groups; the Haratins (Black Moors), Afro-Mauritanians and the White Moors. It is estimated that up to 20 percent of the population of Mauritania is enslaved.

The group which is enslaved is the Haratins who are subjected to further human rights abuses such as; sexual exploitation, child abuse, curtailed movement and forced marriage. The Haratins are considered to be the "property" of the White Moors and their status as slaves is passed on through inheritance. This shows that there is an element of racial discrimination against the black population of Mauritania. Furthermore, children often find themselves victims and this further impinges on their right to education as they are forced to work while they should be in school.

Despite many efforts to put an end to slavery in Mauritania, the practice persists. In 1981, Mauritania abolished slavery even though the ownership of slaves was not prohibited. In 2007, the ownership of slaves became illegal and punishable by law but according to SOS Esclaves, the new law has not improved the situation much. Mauritania has not done much to enforce the laws passed and it appears the government is not eager to do so.

As we observe the International Day for the Elimination of Racial Discrimination on the 21st of March, we urge the Council to reflect and address this persistent problem. As we also remember the Victims of the Transatlantic Slave Trade on the 25th of March, it is imperative that we remember that victims of a similar fate are being born daily in Mauritania.

The Mauritanian government should be more accountable for the human rights abuse suffered by this group of people in the country and we urge the Council to ensure this is being done. As we continue to fight the war for greater freedoms, we must not forget to fight the war to end slavery.

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Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11716
1411716

Please recycle

Human Trafficking in South East Asia

Society for Threatened Peoples is deeply concerned about the plight of the Rohingya refugees who are being smuggled and trafficked in the South East Asia region.

Between 2012/2013, more than 65,000 Rohingya left Myanmar in order to escape violence and persecution. Almost all of them are sheltered in refugee camps or detention centres in the neighbouring countries. The journey the Rohingya are forced to take is risky and perilous: the tiny, rickety boats are made for fishing, not for carrying people from a country to another. However, the Rohingya do not have any option in Myanmar but to flee.

The journey the Rohingya take is being made more dangerous by the absence of a legal status and by traffickers who are offering, under the payment of thousand dollars, a transport to neighbouring shores. Even though most of the Rohingya are willing to reach a Muslim majority country like Malaysia and Indonesia, the Thai beaches and the coasts of Bangladesh are the first and sometimes the last destination.

According to press agencies human trafficking network between Thailand and Bangladesh is serving the entire South East Asia region. The trafficking ring includes not only criminals but also police officers from Myanmar and other countries like Thailand, Bangladesh and India. The Rohingya are unable to move freely due to the lack of citizenship, however, with the payment of a bribe to the police, they are able to reach the coast and enter in contact with smugglers. Once on the coast, the Rohingya are boarded on wooden overcrowded boats, where they have to hide from naval authorities.

During the journey the Rohingya are forced to remain in the same position for days and are forced to bear violence committed by crew members. Women are separated from their male relatives and taken on the upper part from the boat where they are raped. Those who are asking for water are thrown overboard.

Once they land, a new nightmare begins.

The Rohingya taken to Thailand are brought to immigrant detention centres or sold to traffickers upon arrival. According to newspaper investigations, traffickers are paying Thai immigration officials around $300 for each Rohingya. Just a half-day's boat ride from the tourist haven of Phuket away there are several camps run by traffickers. The Rohingya are held in captivity in the camps until they are sold to fishing boats and farms as manual labourers or kept and beaten for ransom. The lucky ones are taken, for exorbitant sums, to their ultimate destinations Malaysia, Indonesia and even Australia. The Rohingya who don't have money to pay their release become commodities for human traffickers who are recruiting them to gain the trust of the Rohingya detained in the government centres across the country. Human traffickers, under the payment of a bribe to the Thai police, have free access to immigration detention facilities and to shelters operated by the government where they lure or abduct Rohingya. The criminal gangs use common schemes for luring victims into situations of trafficking such as the promise of a safe place to live, the reunification with the family, a job or even documents. Women and unaccompanied children willing to reunite with their relatives are the most vulnerable ones. They are deceived by men who promise them a free trip to the place where the family is or to Malaysia while in truth abduct them.

In Bangladesh the condition of the Rohingya refugees are miserable, registered and unregistered IDP camps are breeding grounds for criminality. Rohingya women, men and children are subject to sex trafficking, domestic servitude and forced and bonded labour.

Allegations of kidnapping and sexual violence in the IDP camps are common. However, the Bangladesh police do not investigate those crimes because they are perpetrated on stateless people. In Bangladesh, Rohingya women are targets not only of rapists but also of a prosperous bride industry and domestic servitude. Due to the extreme miserable life conditions, many Rohingya try to seek a better fortune crossing the border between Bangladesh and India.

Reaching India is not easy, the lack of a citizenship and the strict border authorities once again force the Rohingya to rely on traffickers and corrupt police.

In India and in Bangladesh the situation is not better; the Rohingya are forced into cheap labouring like walnut packaging factory in Indian-controlled Kashmir. At every police check point the Rohingya, lacking in documents, have to pay a high bribe, when they don't have money the police take women as payment or sent them to jail.

In Malaysia and Indonesia, two countries with a Muslim majority, human trafficking is also an issue. Once landed or intercepted, the Rohingya are taken to detention centres where all illegal immigrants are taken to. The detention centres are overcrowded, men are sleeping with tens of other detainees in one room and they are not allowed to go out of the room except for meals. Rohingya refugees have two options: wait to be registered with the UNHCR, a process that can take two to three years, or escape from the centres with the help of traffickers and corrupt police. Once out of the detention centres, the Rohingya have to rely once again on criminals because without documents and a legal status there are no concrete job opportunities. Those who find a job work in the informal sector, including irregular, low-paying menial work in construction, domestic positions, or in the local markets where they are unable to negotiate their wages and have no recourse if the employers do not pay them. Furthermore, most of the Rohingya still have to pay the smugglers who gave transported them; others are collecting money to allow their relatives to reach them.

Trafficking in human beings is a transnational crime and as such it requires not only the ratification of international laws and Conventions but also the cooperation and commitment of the entire international community. Having a strict human trafficking law is not enough. Countries like Thailand show that without the international collaboration, this odious crime cannot be fought. The human trafficking crime must be fought not only with ad hoc laws but also by meeting international standards, especially when it comes to human rights.

No Asian country mentioned is a signatory to the 1951 Refugee Convention. This is not an insignificant fact because without legal protection and international aid human traffickers are luring victims. However, also without adhering to the 1951 Refugee Convention, these states can provide the refugees a level of minimum protection that can guarantee them to not be returned to the country where they suffer gross human right violations.

The Rohingya are stateless, their legal limbo does not end once they cross the Myanmar border but continues in all countries where they seek safety. Without citizenship and without international protection, the Rohingya are easy prone to human traffickers.

Society for Threatened Peoples therefore calls on the Human Rights Council to call on the Government of Myanmar to:

- End immediately human rights violations and resolve the grievous situation of the Rohingya minority in the country
- Revise the citizenship law of 1982 in order to allow the Rohingya to apply for citizenship and fully take part in the democratization process of Myanmar
- Promote a reconciliation process between Buddhists and Muslims in Myanmar

Society for Threatened Peoples therefore calls on the Human Rights Council to urge the Governments of Thailand, Bangladesh, India, Maiaysia and Indonesia to:

- Ensure to refugees and asylum seekers a level of protection that meets the Universal Declaration of Human Rights and the 1951 Refugee Convention minimum standards
- Provide humanitarian aid and assistance to all those in need
- Provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship
- Increase existing efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants and deportees

Society for Threatened Peoples therefore calls on the Human Rights Council to urge the international community to:

- Collaborate and Cooperate to prevent and combat human trafficking
- Prioritize the protection of human rights when designing foreign policy toward Myanmar, Thailand, Bangladesh, India, Malaysia and Indonesia

United Nations A/HRC/25/NGO/144

General Assembly

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4 March 2014

English only

Human Rights Council
Twenty-fifth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Commonwealth Human Rights Initiative, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Promoting reconciliation and accountability in Sri Lanka: The need for an international commission of inquiry

The Commonwealth Human Rights Initiative (CHRI) recognises and welcomes the recent progress towards reconciliation made by the government of Sri Lanka. It has held elections for a semi-autonomous council in its Tamil majority Northern Province, taken steps towards re-integrating internally displaced persons and made progress in improving services such as electricity and water supplies. Nonetheless, much remains to be done when it comes to investigating allegations of international human rights and humanitarian law violations that occurred during Sri Lanka's prolonged internal armed conflict.

Nearly five years after the end of the conflict, assurances by the Government to make progress on accountability remain unmet and victims of war crimes continue to wait for justice. CHRI shares the concerns of the United Nations High Commissioner for Human Rights (UN High Commissioner) regarding the lack of an effective effort on the part of the Government of Sri Lanka to independently investigate allegations of war crimes. As the UN High Commissioner told the Human Rights Council in September 2013, the Government has made "no new or comprehensive effort to independently or credibly investigate the allegations [of] violations of international human rights law and international humanitarian law". The UN High Commissioner thus encouraged the Government to show a credible national process with tangible results before March 2014. Till date, the Sri Lankan Government has made no authentic progress on justice and accountability. Sri Lanka has been given numerous opportunities to instigate an effective domestic process towards accountability, but to no avail. Neither are there any indicators to suggest that progress is imminent. Therefore, as a method of last resort, CHRI urges the international community to establish an international commission of inquiry to investigate allegations of war crimes committed by both sides at the end of Sri Lanka's internal armed conflict.

Over the years Sri Lanka has instituted numerous inquiry mechanisms all of which have failed to effectively deliver justice to victims of human rights abuses. Most recently, the Government postponed its launch of a National Inquiry into Torture, citing that it was not the right time to hold such an inquiry given that the Human Rights Commission of Sri Lanka is taking steps towards reconciliation. However, it remains unclear what, if any, measures are being undertaken by the Human Rights Commission whose members' independence is the subject of criticism as a result of being directly appointed by the President.

Just six months earlier on August 15 2013 the President established a Presidential Commission of Inquiry to look into disappearances in Sri Lanka. This commission received criticism from several quarters for its serious investigative flaws. Most notably, it has been alleged that Ministry of Defence officials attend hearings and military personnel carry out duties of the commission. Ministry of Defence involvement is problematic because several allegations of enforced disappearances point directly to military involvement. Military presence during the inquiry process therefore affects the perception of independence and creates a hostile environment in which to give testimony. Accordingly, expectations for this Commission's effectiveness remain low, much like the previous five commissions of its kind whose recommendations were not published and have never been fully implemented.

The Lessons Learnt and Reconciliation Commission (LLRC), one of the only commissions to publish its findings and recommendations also received significant criticism due to its limited scope (wherein it could not investigate alleged war crimes); lack of witness protection measures, partiality of some of its members and lack of implementation of its recommendations. Given the limited mandate of the LLRC, even if more time is given to see its recommendations implemented, this will not address the need for accountability for war crimes.

Sri Lanka has instituted several investigative and inquiry commissions since the end of its civil war, all of which have been subject to criticism. Accusations have related to lack of impartiality, the appointment processes, lack of proper and effective witness protection measures and because more often that not their findings go unpublished and abandoned. Given Sri Lanka's track record and failure to recognise or respond to criticism, a Government inquiry is not a realistic prospect for ensuring credible investigations and accountability in Sri Lanka. The Sri Lankan government has shown no credible political will to discover the truth behind events occurring at the end of the conflict or to hold to account those responsible for abuses.

Moreover, the lack of an independent judiciary in Sri Lanka is a further impediment to effective future investigations into war crimes and human rights violations. In January 2013, the Chief Justice of Sri Lanka was impeached. The illegality of the impeachment was confirmed by the country's own Supreme Court and in a leaked legal opinion by an international expert appointed by the Commonwealth Secretary-General. Nonetheless, this impeachment decision has not been reconsidered.

The Sri Lankan Government has failed to accept offers of assistance from the UN High Commissioner regarding accountability. For instance, the UN High Commissioner made clear that her office would be willing to assist with resolving pending cases of disappearances and facilitate efficient sharing of information. The High commissioner also encouraged the government to engage with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to give advice on a national reparations policy in accordance with international standards. So far, the Government of Sri Lanka has not implemented, or shown willingness to implement, any of these suggestions, bringing into question the Government's commitment to accountability.

Additionally, the government has demonstrated resistance to international cooperation, assistance and oversight in the areas of justice and accountability. Despite the Government's assertion that it is open to international oversight it has not issued an open invitation to the UN special procedure mandate holders and has prevented mandate holders in the past from visiting the country. A recent example of this is when an international delegation that included the UN Special Rapporteur on the Independence of Judges and Lawyers had their visas revoked in November 2013, causing an event co-hosted by the International Bar Association's Human Rights Institute and the Bar Association of Sri Lanka to be cancelled. In the same month, protestors were prevented by the riot police from accessing the UK Prime Minister during his tour of the Northern Province and the Australian Senator Lee Rhiannon and New Zealand MP Jan Logie who wanted to engage in a fact finding mission on human rights violations were accused of violating their visa regulations and quickly deported.

CHRI is of the view that genuine reconciliation is not possible unless there is credible accountability for previous violations of international humanitarian and human rights laws. The Sri Lankan government's failure to convincingly address allegations of war crimes, or implement a meaningful process of accountability over the last five years signifies that the time has come for the international community to step in. Recognising that only an independent investigation can deliver justice to the thousands of victims of Sri Lanka's brutal conflict CHRI urges the members of the Human Rights council to support a resolution establishing a credible, transparent and independent international inquiry into the allegations of war crimes during the final stages of the Sri Lankan armed conflict.

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Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

On-Going Violence and Violations against Tamil Women

I. Executive Summary

Women's bodies have historically been a secondary battlefield in the theater of war, a space where victors claim their spoils and nations plant their flag. In Sri Lanka post-2009, Tamil women's bodies in the North and East have become both the site of a violent Sinhalisation process and their only means of survival in a militarized environment. Direct interviews and a compilation of secondary sources reveal that in the period from 2008-2013 women lost their reproductive rights, were forced into coercive sexual relationships or marriages, and faced the constant threat of rape, even as they desperately tried to escape the island. These acts collectively highlight the structural violence that marginalizes Tamil women and subjugates Tamil society. Due to the cultural positioning of Tamil women, these acts go far beyond the immediate physical and psychological damage to the individual woman, they also serve to humiliate Tamil men and reinforce Tamil powerlessness. Violations against Tamil women are a powerful symbolic display of the domination of the Sinhala Buddhist state and majority; they are one of the myriad ways by which the state seeks to destroy the essential foundations of the life of the Tamil people.

II. Contextual Vulnerability

In Sri Lanka, a calculated militarization has been the primary agent of Sinhalisation, leading to a pervasive fear psychosis that has defined Tamil women's experiences during, and after, the civil war. A number of civil society workers interviewed highlighted that "militarization is the biggest problem facing Tamil women today". The 'military' presence includes paramilitaries in addition to those formally associated with the Government of Sri Lanka (GoSL). Post-2009, prostitution, forced marriages, the loss of reproductive rights, and indiscriminate rape are among the "specific vulnerabilities and insecurities that are produced or exacerbated as a result of state-led actions." Despite claims that incidents of gender-based violence are an anomaly by low-level cadre, in-depth analysis of incidents like the case of journalist Isaipriya reveal that beyond acting with impunity, individual attackers are acting on the orders of their higher-ups. Furthermore, as detailed below, the sheer frequency and prevalence of the violence against Tamil women exposes the inadequacy of 'rogue' perpetrator apologies.

III. Violence and Violations

Overt Violence: Sexual Violence 2008-2010

Rape, Sexual Harassment, Forced Abortions

International rights organizations have found that during the conflict, "Sri Lankan soldiers have raped both women and young girls on a massive scale, and often with impunity, since reporting often leads to reprisals against the victims and their families". Research conducted with asylum seekers found that in the remote jungle theater of war, several women experienced individual and gang-rape while captives of the Sri Lankan Army. Once in the camps, women highlight the lack of privacy and constant sexual harassment, noting "Even using the river to relieve ourselves, the soldiers would be watching from the trees." During the period when the population was kept in internment camps (2009) several women testify to having forced abortions due to the exposure of their children to "chemicals in the warzone".

As the population moved into highly militarized "resettled" areas, women's bodies became one aspect of everyday life vulnerable to Sinhalisation. Research in the Northern province in the immediate aftermath of the war found rape to be a pervasive issue even in resettled areas, with numerous sources reporting on a disturbing trend towards the rape of very young girls.

Structural Violence: 2010-2013

Rape

More overtly violent methods of rape continue to produce reports of violations against women, with very little recourse, for example, October 2013, the brutal gang rape and murder of 47-year-old Markandu Yogarany in Jaffna. Some violations against women are so frequent and persistent that they have almost become normalized.

Several journalists and activists note that rape is a continual concern, especially prevalent against ex-LTTE cadres, and seldom reported.

> *The rape usually occurs inside the army camp, during their mandatory reporting sessions, or during the home visits. Because they are being so heavily monitored, they are afraid to report it.*

Those women with any affiliation to the LTTE (even at the lowest level) are particularly vulnerable to targeting by military forces, even in Colombo. The direct testimony from a former-LTTE informant describes her experience when taken for questioning.

> *...she was kept without clothes for one week and continuously subject to rape by many different men. She could hear the voices of many girls in the CID building screaming whenever military personnel entered their rooms...*

Rape (often multiple rapes) has been found to be an ongoing concern in detention centers and through the asylum process. An asylum lawyer, 2014, declared,

> *Just this week I have received the case of a woman who was raped by the Sri Lankan Military, and was raped again by the Mexican fixer that had been arranged before she entered the United States.*

Prostitution

Recent research has shown a significant increase in prostitution in the Northern districts in the post-2009 period. Several women interviewed argued that prostitution not only offered themselves and their families some amount of security by gaining favor with military cadres but also offered them a decent income. In town-hall sessions conducted by local rights groups, several women protested "You tell me another job we can get now that pays 1000 rupees a day." Outside of these daily interactions, reports indicate that larger groups of women are taken under false pretenses for vocational training and forced into sexual relationships with military cadre or personnel. While this issue is a challenge to the daily, lived experience of Tamil women, the pervasiveness of the issue also shapes the position of women in Tamil society and further subjugates Tamil civilians to Sinhala soldiers.

Forced Marriages

While the GoSL has highlighted marriages between army soldiers and Tamil women as evidence of reconciliation, direct interviews and other sources maintain that these unions are formed under duress and occur through a spectrum of coercive mechanisms (use of force, threats, assurances of protection). In a recent statement DMK leader M. Karunanidhi alleged that Tamil women in the Killinochi District were being forced to marry Sri Lankan Army personnel. In one direct interview "Padma" recounts,

> *When we left the camps, this army soldier came to our resettled village to visit. Eventually he asked my parents to marry me. We were from a very low caste, and he could speak a little Tamil so my parents said yes. We stopped at a lodge on the way. When I woke up the next morning he told me to go home, he would find me. When I found I was pregnant my mother and I went searching for him, only to hear that he is already married with children.*

Reproductive Rights

Recent reports point to the coercive implementation of birth control devices, without the informed consent of local women. These efforts, targeted at lower-class Tamil women, point to the abuse of power by local authorities as well as the intrusive hand of a militarized state reaching into the private space of Tamil women's reproductive rights.

IV. Key Findings

The specific targeting of ethnic Tamil women generally, and within that a subset of ex-cadres, has highlighted the intent of the GoSL to destroy the social fabric of Tamil community while repressing any potential for resistance.

The local barriers to reporting have limited the data available to garner attention to this critical issue, though significant video and narrative evidence shows clear patterns of consistent abuse: violence has become entrenched in the lived experience of Tamil women.

Analysis of specific instances of violence explicitly implicate the chain of command, likewise both the scale of violations, and the depth of impunity expose the crimes against women to be systemic. When considered in context, held up against the other state policies, such as the rehabilitation of former Tamil Tigers, the government incentives for Sinhalese to populate the North and East, the erosion of a free press, it becomes apparent that the sexual violence and exploitation of Tamil women is part and parcel of the Sri Lankan state's attempts to render the Tamil people impotent, to destroy the foundations of Tamil identity and the potential for future opposition.